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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	10165-010-999	Total Pages	65
First Named Inventor or Application Identifier			
Michael Brines			
Express Mail Label No.	EL 501 635 573 US		

**APPLICATION ELEMENTS**  
See MPEP chapter 600 concerning utility patent application contents.

Assistant Commissioner for Patents  
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1. <input checked="" type="checkbox"/> Fee Transmittal Form <i>Submit an original, and a duplicate for fee processing</i>	6. <input type="checkbox"/> Microfiche Computer Program (Appendix)
2. <input checked="" type="checkbox"/> Specification <i>(preferred arrangement set forth below)</i> -Descriptive title of the Invention -Cross Reference to Related Applications -Statement Regarding Fed sponsored R&D -Reference to Microfiche Appendix -Background of the Invention -Brief Summary of the Invention -Brief Description of the Drawings (if filed) -Detailed Description of the Invention (including drawings, if filed) -Claim(s) -Abstract of the Disclosure	7. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> a. <input type="checkbox"/> Computer Readable Copy b. <input type="checkbox"/> Paper Copy (identical to computer copy) c. <input type="checkbox"/> Statement verifying identity of above copies
3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets 17]	8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))
4. <input checked="" type="checkbox"/> Oath or Declaration (unexecuted) [Total Sheets 02]	9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i>
a. <input type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 17 completed)</i> <b>[Note Box 5 below]</b> i. <input type="checkbox"/> <u>DELETION OF INVENTOR(S)</u> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).	10. <input type="checkbox"/> English Translation Document (if applicable)
5. <input checked="" type="checkbox"/> Incorporation By Reference (useable if Box 4b is checked) The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.	11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations
17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information: <input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application.	12. <input type="checkbox"/> Preliminary Amendment
	13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>
	14. <input type="checkbox"/> Small Entity Statement filed in prior application, Statement(s) Status still proper and desired
	15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>
	16. <input type="checkbox"/> Other:

**18. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	20583 <i>(Insert Customer No. or Attach bar code label here)</i>	or <input type="checkbox"/> Correspondence address below
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Express Mail No.: EL 501 635 573 US**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Prior application: Examiner To be assigned  
Art Unit 1636

Assistant Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

Sir:

This is a request for filing a  continuation  divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/547,220 filed on April 11, 2000.

of Michael Brines, Anthony Cerami, and Carla Cerami  
(inventor(s) currently of record in prior application)

for MODULATION OF EXCITABLE TISSUE FUNCTION BY PERIPHERALLY ADMINISTERED ERYTHROPOIETIN  
(title of invention)

1.  The filing fee is calculated below:

**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	11	-20	0	\$18.00 each	\$ 0.00
Independent	1	-3	0	\$80.00 each	\$ 0.00
				Minimum Fee	\$ 710.00
				Multiple Dependency Fee If Applicable (\$270.00)	\$ 0.00
				<b>Total</b>	\$ 710.00
				50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern (a verified statement as to the applicant's status is attached)	- \$ 355.00
				<b>Total Filing Fee</b>	\$ 355.00

2.  Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
3.  Amend the specification by inserting before the first line the following sentence: This is a division of application no. 09/547,220, filed April 11, 2000, the entire contents of which are incorporated herein by reference in its entirety.
- 4a.  Transfer the drawings from the prior application to this application and abandon the prior application as of the filing date accorded this

application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

- 4b.  New formal drawings are enclosed.
- 4c.  Informal drawings are enclosed.
- 5a.  Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b.  The certified copy has been filed in prior application no. , filed .
- 6.  The prior application is assigned of record to The Kenneth S. Warren Laboratories, at Reel , Frame .
- 7a.  The Power of Attorney appears in the original papers in the prior application no. A copy of the executed Power is enclosed.
- 7b.  Since the Power of Attorney does not appear in the original papers, a copy of the Power in prior application no. , filed is enclosed.
- 8.  This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application.
- 9.  The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no.
- 10.  Additional enclosures or instructions.

Date November 21, 2000

Respectfully submitted,

*Laura A. Coruzzi*

Laura A. Coruzzi

PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, N.Y. 10036-2711  
(212) 790-9090

30,742

(Reg. No.)

*Eileen E. Fahy  
46 OG F  
Reg No.*